



PUEBLO OF LAGUNA
P.O. Box 194
LAGUNA, NEW MEXICO 87026



Office of:
The Governor
The Secretary
The Treasurer

(505)552-6654
FAX: (505)552-6941

November 22, 2011

Dr. Al Armendariz
Regional Administrator (6RA)
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

RE: Pueblo of Laguna Letter of Support for the NPL Listing

Dear Dr. Armendariz:

In reference to Pueblo of Laguna Resolution No. 10-10, dated February 2, 2010, regarding the Approval of Application for Designation of Jackpile Mine Area as a Superfund Site, this letter is submitted to concur with the listing of Jackpile Mine Site on the National Priority List (NPL) during the next NPL update in March of 2012.

The Jackpile mine, once the largest open pit uranium mine in the world, is located near the Village of Pagueate on the Laguna Indian Reservation. During the 29 years of continuous, 24 hour per day, operations from 1953 to 1982, the mine handled 400 million tons of rock and yielded 24 million tons of uranium ore, which was shipped to processing facilities in Grants/Milan, NM and other areas.

The mine closed in 1982 and the Final Environmental Impact Statement (FEIS) was completed in 1986. Due to a lack of specific regulations pertaining to reclamation of uranium mines, Pueblo of Laguna, Bureau of Indian Affairs, and Bureau of Land Management jointly adopted the Record of Decision (ROD) document to guide the reclamation work, which started in 1989 and was completed in 1995. Reclaiming a mine of this size proven to be no easy task and the Pueblo of Laguna is still coping with many side effects of mining. The legacy issues include, but are not limited to, elevated to highly elevated levels of isotopic uranium in surface water below the mine area in Rio Pagueate and Rio San Jose. The water is our most valuable natural resource, and surface water is a primary source for irrigation, livestock and wildlife on the reservation. There is also a very important factor, with direct impact to human health, of protecting the traditional and cultural uses of surface water.

The subsequent Resolution No. 58-10, dated June 22, 2010, approved the Memorandum of Understanding (MOU) between the Pueblo of Laguna and Environmental Protection Agency (EPA) Region 6 regarding CERCLA Activities to ensure the protection of human health and environment. Both resolutions authorize the Governor to take all actions necessary to convey the Pueblo's position on this matter to the EPA.

6RA *Copy*.....6EN.....
6DRA *Copy*.....6WQ.....
6MD.....6SF *Original & Control*
6OEJ.....6RC.....
6PD.....6XA *Copy*.....

RECEIVED

11 DEC -2 PM 3:01

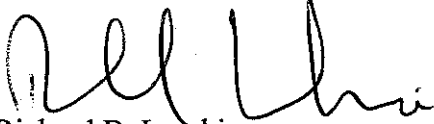
EXTERNAL AFFAIRS DIVISION

Therefore, the Pueblo of Laguna is in full support of listing the Jackpile Mine Site on the NPL and we are looking forward to working with EPA Region 6 to address the impacts of past uranium mining to Laguna's natural and cultural resources.

Thank you for your attention to this matter.

Sincerely,

PUEBLO OF LAGUNA

A handwritten signature in black ink, appearing to read 'Richard B. Luarkie', written over a horizontal line.

Richard B. Luarkie,
Governor

cc: Adam Ringia, ENRD Acting Director
Barbara Cywinska-Bernacik, Environmental Program Manager
Ladonna Turner, EPA, Risk and Site Assessment Section
file



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PUEBLO OF LAGUNA

Resolution No. 10-10

Re: Approving Application for Designation of Jackpile Mine Area as a Superfund Site

At a duly called meeting of the Laguna Pueblo Council held on the 2nd day of February, 2010, the following Resolution was adopted.

WHEREAS, the Pueblo of Laguna ("Pueblo") is a federally recognized Indian Tribe with all the inherent governmental powers of a sovereign nation; and

WHEREAS, pursuant to Article IV, Section 2 (k) of the Pueblo's Constitution, the Pueblo Council is authorized to exercise the sovereign powers of the Pueblo, including the authority to promote and protect the public health and welfare of the members and other residents of the Pueblo; and

WHEREAS, on September 29, 2009, a presentation was made to Council by staff of the EPA, Region 6 Office, in Dallas, Texas, requesting permission to conduct an Aerial Radiological Survey ("flyover") over Pueblo of Laguna lands as part of a larger survey of the Grants Mineral Belt, and

WHEREAS, the purpose of these flyovers was to identify structures and other areas that have elevated radiological activity associated with Jackpile mining activity, with the results to be analyzed by EPA and a report of the results given to the Pueblo; the data collected from this survey would allow the EPA to focus their ground resources on those areas identified with high levels of radiological activity for possible remediation; and

WHEREAS, on October 13, 2009, a government to government consultation between the Pueblo and EPA--Region 6 Office, took place, in order to begin discussions on the impacts that past uranium mining activity on Pueblo lands has had on the tribe's air, land, water and other cultural resources; EPA is looking for in this consultation process is what forms of communication can be agreed upon so that the Pueblo and EPA can have a conversation and dialog back and forth on issues of mutual concern; and

WHEREAS, during the government to government consultation, the EPA representatives were asked whether the Jackpile mine area might be eligible for listing as a Superfund site; they described the process of applying for designation as Superfund site, which requires different assessments and ranking with other sites throughout the country, a long process; and

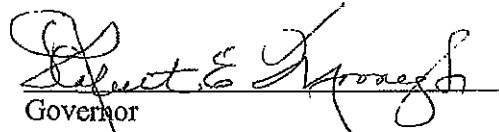
WHEREAS, the EPA has informed the Pueblo that if it wishes to be considered for a September 2010 listing, the EPA must receive notice from the Pueblo by February 2, 2010; once

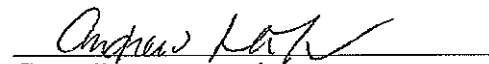
notice is received the Pueblo would begin the application process for listing on the National Priority List in September, wherein EPA would conduct a Preliminary Assessment and Site Investigation of the Jackpile mine area; and


WHEREAS, the Council is committed to addressing issues of health and safety for the Pueblo and community members and has determined that it would be in the best interest of the Pueblo to apply for designation of the Jackpile Mine area as a Superfund Site.

NOW, THEREFORE, BE IT RESOLVED that the Pueblo of Laguna Council hereby approves the submission of an application for listing of the Jackpile Mine area on the National Priority List, thereby designating it as a Superfund Site.

BE IT FURTHER RESOLVED that the Pueblo of Laguna Council hereby authorizes the Governor to take any and all actions necessary to convey the Pueblo's position on this matter to the EPA, and to take any necessary actions associated with the meaning and intent of this Resolution.


Governor


Council Representative

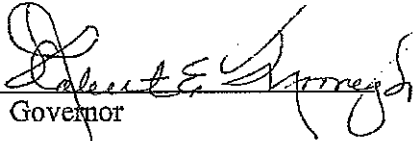

Council Representative

ATTEST:


Tribal Secretary

CERTIFICATION

The foregoing Resolution was enacted by the Pueblo of Laguna Council on the 2 day of February 2010, by a vote of 10 for, and 0 opposed, at a duly called meeting at which a quorum of the Pueblo Council was represented.


Governor

ATTEST:


Pueblo Secretary



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PUEBLO OF LAGUNA COUNCIL

Resolution No. 58-10

Re: Approval of Memorandum of Understanding between the Pueblo of Laguna and the Environmental Protection Agency, Region 6 Office, regarding CERCLA Activities.

At a duly called meeting of the Pueblo of Laguna Council held on the 22nd day of June 2010, the following Resolution was adopted

WHEREAS, the Pueblo of Laguna ("Pueblo") is a federally recognized Indian Tribe with all the inherent governmental powers of a sovereign nation; and

WHEREAS, Article IV, Section 2 (k) of the Pueblo Constitution grants to the Council authority to take actions to promote and protect the public health and welfare of the members and other residents of the Pueblo; and

WHEREAS, on October 13, 2009, a formal government-to-government consultation took place between the Pueblo and Environmental Protection Agency (EPA)-Region 6 Office, the purpose of which was to begin discussions on the impacts that past uranium mining activity on Pueblo lands has had on the Pueblo's air, land, water and other cultural resources; and

WHEREAS, at this Council meeting, the EPA proposed the concept of a Memorandum of Understanding (MOU) to facilitate consultation, coordination and cooperation among the Parties regarding plans and activities to assess the impacts of uranium mining and ensure the protection of human health and the environment, and the Pueblo Council agreed to pursue an MOU with the EPA; and

WHEREAS, the type of dialog and communication envisioned between the Pueblo and EPA is in furtherance of Presidential Memoranda issued in 1994 and 2004 and Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments," (Nov. 9, 2000), *Fed. Reg.* 67, and most recently with President Obama's directive to all federal departments and agencies to implement policies for direct consultation with Indian tribal governments; and

WHEREAS, after review and discussion on the provisions of the MOU by both parties, including their respective legal counsel, final recommendations for the provisions of such MOU were presented to the respective decision-making authorities and have been agreed upon; and

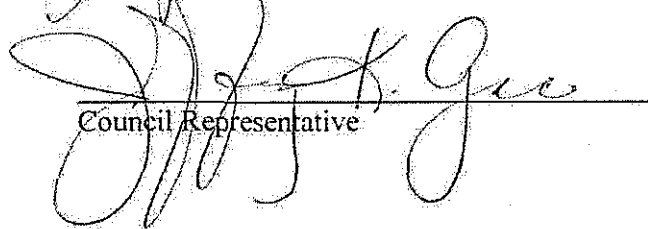
WHEREAS, the Council on May 4, 2010, considered and approved the proposed MOU and requested that representatives from the EPA Region 6 Office attend a Council meeting so that the two parties could sign the MOU at a duly called Council meeting.

NOW, THEREFORE, BE IT RESOLVED that the Pueblo of Laguna Council hereby approves the MOU between the Pueblo and EPA, Region 6 Office, regarding CERCLA activities.

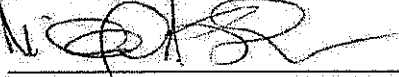
BE IT FURTHER RESOLVED that the Pueblo of Laguna Council hereby authorizes the Governor to take any and all action(s) necessary to implement and convey the Pueblo's position on this matter to the EPA, and to take any necessary action(s) associated with the meaning and intent of this Resolution.


Governor


Council Representative

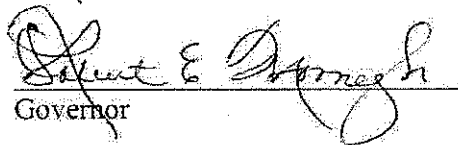

Council Representative

ATTEST:


Tribal Secretary

CERTIFICATION

The foregoing Resolution was enacted by the Laguna Pueblo Council on the 22nd day of June, 2010, by a vote of 14 for 0 against, at a duly called meeting at which a quorum of the Pueblo Council members was present.


Governor

ATTEST:


Tribal Secretary